



Entered on Docket
April 01, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE LCG
GILROY, LLC LOAN**

Hearing Date: March 25, 2008
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

Pending before the Court is the USACM Liquidating Trust's Second Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the LCG Gilroy, LLC Loan (the "Objection") [DE 5854]. Adequate notice of the Objection was given. The Court heard the Objection on March 25, 2008. No responses were filed to the Objection and no opposition was raised at the hearing. Good cause appearing,

IT IS ORDERED:

- Sustaining the Objection;
- Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they are based upon an investment in the LCG Gilroy, LLC Loan. The Proofs of Claim listed in Exhibit A are not affected by this order to the extent they are based upon an investment in a loan(s) other than the LCG Gilroy, LLC Loan; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to the Proofs of Claim listed on Exhibit A attached.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

John Hinderaker

Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

John Hinderaker

Attorneys for USACM Liquidating Trust

GILROY LOAN
Multiple Loan Claims

EXHIBIT A
SECOND OMNIBUS OBJECTION

| Claim | Name | Address | Total Claim Amount | Approximate Amount Subject to Objection Because it Relates to an Investment In the Gilroy Loan |
|--------------------|--|---|---------------------------|---|
| 10725-01274 | Herman and Brian M. and Anthony G. Adams | 1341 Cashman Dr. Las Vegas, NV 89102 | \$2,088,250.00 | \$300,000.00 |
| 10725-01677 | Michael Goodwin | 555 Yellow Pine Rd. Reno, NV 89511 | \$454,405.00 | unclear |
| 10725-02162 | Michael John Goodwin | 555 Yellow Pine Road Reno, NV 89511-3714 | \$505,538.20 | \$50,000.00 |
| 10725-02003 | Harrison Family Trust Dtd 7/27/99 | Thomas B. and Marguerite F. Harrison Ttees 930 Dorcey Drive Incline Village, NV 89451 | \$307,175.18 | \$75,000.00 |
| 10725-01915 | Edwin L. Hausler Jr. Living Trust Dtd 1/3/92 | c/o Edwin L. Hausler Ttee. 4617 Constitution Avenue NE Albuquerque, NM 87110 | \$243,374.30 | \$50,000.00 |
| 10725-01212 | Jay E. Henman Retirement Plan | c/o Jay E. Henman Trustee 1023 Ridgeview Ct. Carson City, NV 89705-8054 | \$747,243.00 | \$75,000.00 |
| 10725-01914 | Gilbert Manuel Living Trust Dtd 1/3/92 | c/o Gilbert Manuel Ttee. 4617 Constitution Avenue NE Albuquerque, NM 87110 | \$243,374.30 | \$50,000.00 |
| 10725-02304 | Erven J. Nelson Ltd. Psp Dtd 10/31/72 | c/o Erven J. Nelson Trustee 2023 W. Aspiration Point St. George, UT 84790 | \$250,000.00 | \$100,000.00 |
| 10725-01175 | John Nix | 836 Temple Rock Ct. Boulder City, NV 89005 | \$710,937.34 | \$75,000.00 |
| 10725-02220 | James William Rogers | 78 Seal Rock Drive San Francisco, CA 94121 | \$306,520.06 | \$100,000.00 |
| 10725-02090 | Robert William Ulm IRA | Pensco Trust Company Custodian 414 Morning Glory Road St. Marys, GA 31558 | \$707,753.00 | \$50,000.00 |